

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DENNIS M. BROWN
COUNTY ATTORNEY

DEPARTMENT OF LAW

December 8, 2014

Anthony M. Grandinette, Esq.
Law Offices of Anthony M. Grandinette
114 Old County Road
Mineola, New York 11501

Re: Franqui v. County of Suffolk
CV13-5943(JS)(SIL)

Dear Mr. Grandinette:

We are in receipt of plaintiffs' purported deposition notices for the depositions of non-parties Joseph Simeone, George Oliva and Kevin O'Reilly.

Under Rule 33, the deposition of a non-party cannot be required by notice. Thus, we must consider the notices ineffective.

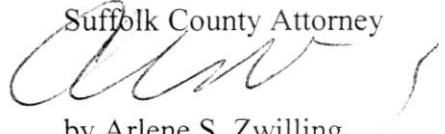
While we generally do not insist that our adversaries follow the Federal Rules to the letter, your firm's repeated violations of applicable rules require us to do so. As pointed out to you by Magistrate Judge Locke at the last Court conference, your office unilaterally filed a purported amended complaint contrary to Rule 15. Since then, your office filed a Rule 37 motion without first discussing the demanded discovery with me in person or by phone as required by Judge Locke's individual Rules and Local Rule 37(3)(a).

Furthermore, as I have repeatedly informed you, this office does not represent the people you seek to depose, and is not authorized to accept service on their behalf.

In the spirit of cooperation however, I will endeavor to arrange the depositions. As we agreed during our telephone conversation of last week, the depositions of the officers that were at the scene of decedent's arrest will be conducted first.

Very truly yours,

Dennis M. Brown
Suffolk County Attorney



by Arlene S. Zwillling
Assistant County Attorney